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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE LITHIUM ION BATTERIES
ANTITRUST LITIGATION,

Case No. 13-MD-02420 YGR (DMR)

CLASS ACTION

STIPULATION AND [PROPOSED]
ORDER REGARDING DEPOSITIONS
OF INDIRECT PURCHASER
PLAINTIFFS' EXPERTS

This Document Relates to:
ALL INDIRECT PURCHASER ACTIONS

DATE ACTION FILED: Oct. 3, 2012

WHEREAS, on January 22, 2016, Indirect Purchaser Plaintiffs (“IPPs”) submitted the Expert Report Of Edward E. Leamer (“Leamer Report”) and the Expert Report Of Rosa M. Abrantes-Metz (“Abrantes-Metz Report”) in support of IPPs’ Motion For Class Certification;

WHEREAS, the undersigned defendants (“Defendants”) took the depositions of Drs. Leamer and Abrantes-Metz on April 26 and April 28, 2016, respectively;

WHEREAS, on August 23, 2016, IPPs submitted their Reply Brief In Support of Indirect Purchaser Plaintiffs' Motion for Class Certification, along with the Expert Reply Report Of Edward E. Leamer ("Leamer Reply") and the Expert Rebuttal Report of Rosa M. Abrantes-Metz ("Abrantes-Metz Reply");

WHEREAS, Defendants requested that they be allowed to take a second deposition of Drs. Leamer and Abrantes-Metz, and contend that Drs. Leamer and Abrantes-Metz provided new opinions, analyses, or new facts in their reply reports that were not included in their original reports;

WHEREAS, IPPs dispute Defendants' claim that they are entitled to take such depositions, and contend that the reply reports were submitted to rebut the positions of Defendants' experts and pertain to the same topics as discussed in the original reports of Drs. Leamer and Abrantes-Metz;

IT IS HEREBY STIPULATED THAT:

1. Defendants may take a deposition of Dr. Leamer only on the following topics discussed within the Leamer Reply: (a) Monte Carlo Analysis: Dr. Leamer’s “Monte Carlo” approach for estimating confidence intervals for his charts showing actual and but-for prices over time, as well as his related criticisms of Ms. Guerin-Calvert’s “bootstrapping” approach, including but not limited to as described in ¶¶ 16-26 and the accompanying figures and exhibits; (b) Sensitivity Analyses: All sensitivity analyses in Dr. Leamer’s reply report, including but not limited to those described in ¶¶ 75-88 and accompanying figures and exhibits; (c) Quality-Adjusted Pass-Through: Dr. Leamer’s theory of pass-through via adjustments in quality and bundling, including but not limited to as described in ¶¶ 99-106 and accompanying figures and exhibits; (d) New Studies of Focal Point Pricing: Dr. Leamer’s new studies of focal point pricing in connection

1 with Best Buy and Amazon, including but not limited to those described in ¶¶ 99-107 and
 2 accompanying figures and exhibits; (e) New Pass-Through Studies: All new studies of pass-
 3 through, including (i) studies of any new data sets or portions of data sets, companies, products, or
 4 company-product combinations, (ii) the new study of pass-through of small cost changes, (iii) the
 5 revised study of pass-through of Toshiba laptop battery costs and other costs, and (iv) the new
 6 studies of short-run pass-through, including but not limited to as described in ¶¶ 117-141 and
 7 accompanying figures and exhibits; (f) Identification of Class Products: The identification and/or
 8 ascertainability of class products and class members, including but not limited to as described in ¶¶
 9 142-176 and accompanying figures and exhibits; (g) Opinions Regarding Standard Levels of
 10 Statistical Significance: The necessity of adhering to standard levels of statistical significance,
 11 including but not limited to as described in ¶¶ 26-39 and accompanying figures and exhibits; and
 12 (h) Establishing Economic Injury When Other Evidence of Conspiratorial Effect Is Alleged: Dr.
 13 Leamer's opinions about burden for establishing economic injury and damages given other alleged
 14 evidence about the effect of the conspiracy, including but not limited to as described in ¶¶ 26-39,
 15 83-85. The deposition of Dr. Leamer may take place in Los Angeles, California, and may not
 16 exceed 3 hours and 30 minutes of time on the record. The deposition will terminate at 1:00 p.m.
 17 (PDT).

18 2. Allowing for necessary framing questions, questions at the deposition must be
 19 linked to the text and analyses of the Leamer Reply. Questions that exceed the scope of the
 20 Leamer Reply or the IPPs' Agreed-Upon Topics identified herein need not be answered. Counsel
 21 may instruct the witness not to respond to any such questions.

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 23 DATED: September 23, 2016
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E-FILING ATTESTATION

I, Cristina M. Fernandez, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Cristina M. Fernandez
CRISTINA M. FERNANDEZ

IT IS SO ORDERED.

DATED: Sept. 23, 2016

